

Chairman Bacon, Vice-Chair Dolan, Ranking Member Thomas, and members of the Senate Judiciary Committee, thank you for allowing me to testify today in support of HB 1. My name is Mickey Valdez and I am the Director of Services for Victim Assistance Program, a nonprofit organization serving crime and trauma victims in Summit County.

Victim Assistance Program was established in 1972 and is one of the oldest victim programs in the United States. It serves more than 6,000 crime and trauma victims who are residents and or employees of Summit County. Though our staff provides crisis intervention, court advocacy and trauma therapy to those who experience all types of victimizations, 31% of the victims receiving services are victims of domestic violence.

As many of you are aware, domestic violence is a growing concern in the United States and has become a recent focus in criminal justice reform, awareness and prevention programs, and political legislation. The most recent statistics provide an alarming snapshot into the realities of this victimization. Today, 1 in 4 women will experience domestic violence in her lifetime. More than 4 million women nationwide experience physical assault and rape by their partners. In 2 out of 3 homicides where the victims were female, the perpetrators were family members or intimate partners¹.

Though domestic violence is more prevalent among intimate partners sharing a residence, the number of victims of dating violence is staggering. The Department of Justice defines dating violence as "violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim."² In December, 2006, the Department of Justice published findings that girls and young women between the ages of 16 and 24 years of age experience the highest rate of intimate partner violence – almost triple the national average.³ According to a 2010 poll, nearly half (43%) of dating college women report experiencing violent and abusive dating behaviors.⁴ This population, along with adults in intimate partner relationships not sharing a residence, are under-protected due to the relationship restrictions of the current law. But these statistics are familiar to you, as you have seen them and heard them recited time and again from those of us working with victims of these crimes. What you don't see are the REAL people, and what you don't hear are their ACTUAL stories... The people that I and countless other advocates work with every day of every week of every month of every year. It occurs in our communities, and it is time we hear their voices.

One of our advocates at Victim Assistance Program began working with "Candace" in 2014. She had been dating a young man who would occasionally stay the night with her, but did not live in the residence. She reached out for help after an incident where the aggressor spit on her and punched her in the face. Soon after the assault, she suspected that the aggressor had broken into her residence after finding windows in her apartment smashed. These incidents prompted her to feel unsafe for herself and her children, and requested assistance in obtaining a protection order. The law restricted "Candace" to filing the Anti-Stalking Civil Protection Order since they at no time resided together and the aggressor was not the biological parent of her children. After filing the ASCPO and testifying at the ex-parte hearing, her petition was denied by the magistrate. In the following months, "Candace" was assaulted two additional times by the same man. Following each incident, her attacker fled the scene and was only charged with

disorderly conduct, which was ultimately dismissed. The victim was left unprotected by the courts because of the inability of police to charge the aggressor with a violation of a protection order. It wasn't until after further incidents and filings of petitions that she was finally able to have a magistrate grant her an ASCPO in 2015, at which time the aggressor did violate and was charged properly. It wasn't until that time that he finally left "Candace" alone.

In yet another case of dating violence, in April, 2015, Victim Assistance Program was requested at the scene of a domestic altercation. On scene our advocate spoke with the victim, "Arieanna", who stated that she allowed her boyfriend to stay at her residence for the last few days. She specified that he had been doing drugs, acting weird, and told her "If you mess up again, I will chop you up in pieces and bury you in the ground." "Arieanna" further indicated that she had broken up with him and he fled the scene, but he did not have a key because he was not a resident at the location. Fearing for her safety, "Arieanna" followed up at our offices two days later. An advocate assisted her with completing the application for and filing of an Anti-Stalking Civil Protection Order. The petition was denied by the magistrate because it did not meet the requirement of "two or more incidents closely related in time." When "Arieanna" returned home that day, she and the other residents were forced to evacuate the apartment building because her ex-boyfriend had pulled the fire alarm and, after lying in wait for her, tried to attack her as soon as she exited the building. He was arrested and then admitted to the police he was stalking her and was going to kill her if she did not take him back. Several days later, when "Arieanna" returned to Victim Assistance, we assisted her in re-filing an ASCPO. If the law had allowed for "Arieanna", clearly a victim of dating violence, to file a Domestic Violence CPO without the stipulation of cohabitating or having more than one occurrence of threats or violence, she may not have had to endure a second victimization and further trauma.

There are some who may argue that it is not necessary to make the changes to ORC 3113.31 that HB 1 would mandate because there is current case law, specifically the Ohio Supreme Court case *State v. Williams*, to account for such relationships. The Court ruled that "the offense of domestic violence arises out of the relationship itself, not the fact that the parties happen to share one address."⁵ While this decision advanced the definition of cohabitation, and quite frankly vindicates the arguments in support of including dating violence, it is not at the forefront for consideration in all jurisdictions. In February this year, "Brooke" came to Victim Assistance Program for help after enduring 7 months of threatening behavior from her ex-boyfriend, including stalking, harassment, endless letters, damage to property, and constant terrorizing phone calls. After he followed "Brooke" to a bar, threatened her in front of other patrons and threw a drink in her face, "Brooke" filed a report with local law enforcement and asked for assistance with filing a protection order. While testifying during the ex parte hearing, the magistrate abruptly interrupted "Brooke" and stated, "This is a waste of my time. You only 'tried' to live together for three days. Case dismissed." This humiliating encounter with the justice system prevented "Brooke" from continuing to seek the help she needed, until her ex-boyfriend began contacting and threatening "Brooke's" mother. After filing a second Domestic Violence CPO with representation of an attorney who argued consideration of the Supreme Court case, "Brooke" was finally granted the protection she needed. Unfortunately, she was subject to additional victimizations before achieving the proper outcome.

The Department of Justice website currently states: "Domestic violence occurs in both opposite-sex and same-sex relationships and can happen to intimate partners who are married, living together, or dating."⁶ Not providing those in dating relationships the same recourse as those currently protected under ORC 3113.31 sends an erroneous message that their victimizations do not reach the same level of severity as those enduring domestic violence. According to the Center for Disease Control, "the types of victimizations for dating violence can be physical, psychological/emotional, sexual, and stalking,"⁷ all of which are exactly the same as those of domestic violence. The common thread between dating violence and domestic violence is that, because of their relationship, the abuser is familiar with the victim's place of residence and work, routines, their family and friends, the circles in which they run, places they frequent, etc., which increases the risk of victims continually being victimized by their abuser. The ONLY difference is that victims of dating violence do not reside with their abuser. It is clear that our society has changed, so too should the definitions used to describe the area of domestic violence.

It is for the specific cases previously detailed, and the many unreported incidents of similar situations, that Victim Assistance Program stands here in support of House Bill 1. Simply acknowledging that dating violence is becoming more prevalent in our society is not enough. We must act accordingly and appropriately to protect victims and send a clear message that violent offenders' actions, no matter their residential history, have certain and serious consequences. We respectfully request your affirmative consideration of this legislation as it provides for a more comprehensive inclusion of all types of domestic violence. Thank you.

¹ Safe Horizons, www.safehorizons.org/page/family-justice-statistics--facts.

² Department of Justice, Office on Violence Against Women, www.justice.gov/ovw/dating-violence.

³ Department of Justice, Bureau of Justice and Statistics, *Intimate Partner Violence in the United States, 1993-2004*. Dec. 2006.

⁴ Fifth & Pacific Companies, Inc. (Formerly: Liz Claiborne, Inc.), Conducted by Knowledge Networks, (December 2010). "College Dating Violence and Abuse Poll," Available at: <https://www.breakthecycle.org/surveys>.

⁵ Ohio v. Williams. (September 24, 1997). Retrieved from <http://caselaw.findlaw.com/oh-supreme-court/1076700.html>.

⁶ Department of Justice, Office on Violence Against Women, www.justice.gov/ove/domestic-violence.

⁷ Center for Disease Control, https://www.cdc.gov/violenceprevention/intimatepartnerviolence/teen_dating_violence.html.